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H.C.P.No.846 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.846 of 2022

Kalaivani

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
The Additional Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Police,
Tambaram City,
No.42/2, Medavakkam Main Road,
Sholinganallur, Chennai – 600 119.
- 3.The Inspector of Police (L & O),
S-16, Perumbakkam Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai 600 066.

.. Respondents

Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus calling for the records relating to the



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detention order in Memo BCDFGISSSV No.30/2022 dated 24.03.2022 passed by the second respondent under the Tamil Nadu Act 14/1982 and set aside the same and direct the respondents to produce the petitioner's husband Senthilkumar @ Kulla Kandai, S/o.Gopal, aged about 34 years, the detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's husband Senthilkumar @ Kulla Kandai, S/o.Gopal, aged about 34 years, the detenu herein, at liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the wife of the detenu Senthilkumar @ Kulla Kandai, S/o.Gopal, aged about 34 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.30/2022 dated 24.03.2022, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the arrest intimation has not been fully translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.113 and 114 of the booklet, it is clear that the arrest intimation has not been fully translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.30/2022 dated 24.03.2022, passed by the second respondent is set aside. The detenu, viz. Senthilkumar @ Kulla Kandai, S/o.Gopal, aged about 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
18.11.2022

Index: Yes/No
nsd



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To

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S-16, Perumbakkam Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai 600 066.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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